

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

February 16, 2022

1:32 p.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Mike Shower, Vice Chair  
Senator Shelley Hughes  
Senator Robert Myers  
Senator Jesse Kiehl

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 182

"An Act establishing the crime of interference with emergency communications."

- HEARD & HELD

SENATE BILL NO. 7

"An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

- MOVED CSSB 7(JUD) OUT OF COMMITTEE

SENATE BILL NO. 31

"An Act relating to binding votes by or for a legislator under the Legislative Ethics Act."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 182

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(S): SENATOR(S) WILSON

02/08/22                   (S)                   READ THE FIRST TIME - REFERRALS

02/08/22 (S) JUD  
02/16/22 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: SB 7

SHORT TITLE: STATE TROOPER POLICIES: PUBLIC ACCESS

SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/22/21 (S) PREFILE RELEASED 1/8/21  
01/22/21 (S) READ THE FIRST TIME - REFERRALS  
01/22/21 (S) STA, JUD  
03/04/21 (S) STA AT 3:30 PM BUTROVICH 205  
03/04/21 (S) Heard & Held  
03/04/21 (S) MINUTE(STA)  
03/11/21 (S) STA AT 3:30 PM BUTROVICH 205  
03/11/21 (S) Heard & Held  
03/11/21 (S) MINUTE(STA)  
04/22/21 (S) STA AT 3:30 PM BUTROVICH 205  
04/22/21 (S) Moved SB 7 Out of Committee  
04/22/21 (S) MINUTE(STA)  
04/23/21 (S) STA RPT 3NR 1AM  
04/23/21 (S) NR: SHOWER, HOLLAND, COSTELLO  
04/23/21 (S) AM: KAWASAKI  
05/10/21 (S) JUD AT 1:30 PM BUTROVICH 205  
05/10/21 (S) Heard & Held  
05/10/21 (S) MINUTE(JUD)  
02/16/22 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: SB 31

SHORT TITLE: PROHIBITING BINDING CAUCUSES

SPONSOR(s): SENATOR(s) SHOWER

01/25/21 (S) PREFILE RELEASED 1/8/21  
01/25/21 (S) READ THE FIRST TIME - REFERRALS  
01/25/21 (S) STA, JUD  
03/18/21 (S) STA AT 3:30 PM BUTROVICH 205  
03/18/21 (S) Heard & Held  
03/18/21 (S) MINUTE(STA)  
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205  
05/04/21 (S) Moved CSSB 31(STA) Out of Committee  
05/04/21 (S) MINUTE(STA)  
05/07/21 (S) STA RPT CS 2DP 2NR 1AM SAME TITLE  
05/07/21 (S) DP: SHOWER, REINBOLD  
05/07/21 (S) NR: COSTELLO, HOLLAND  
05/07/21 (S) AM: KAWASAKI  
05/10/21 (S) JUD AT 1:30 PM BUTROVICH 205  
05/10/21 (S) Heard & Held  
05/10/21 (S) MINUTE(JUD)

02/02/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/02/22	(S)	Heard & Held
02/02/22	(S)	MINUTE(JUD)
02/11/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/11/22	(S)	Heard & Held
02/11/22	(S)	MINUTE(JUD)
02/16/22	(S)	JUD AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR DAVID WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 182.

JASMIN MARTIN, Staff  
Senator David Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis on behalf of the sponsor of SB 182.

COMMISSIONER DESIGNEE JAMES COCKRELL  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Provided invited testimony in support of SB 182.

JACOB BUTCHER, Communications Manager  
Mat-Com Dispatch  
Wasilla, Alaska

**POSITION STATEMENT:** Provided invited testimony in support of SB 182.

JOEL BUTCHER, President  
Association of Public Safety Communications Officials  
(APCO)/National Emergency Numbers Association, Alaska  
Palmer, Alaska

**POSITION STATEMENT:** Provided invited testimony in support of SB 182.

HILLARY PALMER, Secretary/Treasurer  
Association of Public Safety Communications Officials  
(APCO)/National Emergency Numbers Association - Alaska  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 182.

ANTONIA HAGEN, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified during the discussion of SB 182.

SENATOR ELVI GRAY-JACKSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 7.

KELLY HOWELL, Special Assistant to the Commissioner  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided invited testimony on SB 7.

NOAH KLEIN, Attorney  
Legislative Legal Counsel  
Legislative Legal Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered legal questions on SB 31.

#### **ACTION NARRATIVE**

[1:32:40 PM](#)

**CHAIR ROGER HOLLAND** called the Senate Judiciary Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Myers, Hughes, Shower, Kiehl, and Chair Holland.

#### **SB 182-INTERFERENCE WITH EMERGENCY SERVICES**

[1:33:17 PM](#)

**CHAIR HOLLAND** announced the consideration of SENATE BILL NO. 182 "An Act establishing the crime of interference with emergency communications."

[1:33:30 PM](#)

**CHAIR HOLLAND** invited Senator Wilson to introduce the bill.

[1:34:06 PM](#)

**SENATOR DAVID WILSON**, Alaska State Legislature, Juneau, Alaska, paraphrased the sponsor statement.

[Original punctuation provided.]

Senate Bill 182 establishes the offense of interference with emergency communications. This statute would apply when a person: repeatedly makes 911 calls to report something they know has already been reported, repeatedly calls 911 when there is no emergency, harasses or threatens a 911 operator, or disrupts communications between 911 operators and first responders.

Interference with emergency communications - the misuse, abuse, and disruption of 911 dispatch centers - is a problem that severely impacts public safety and emergency response by delaying responses to real emergencies. It is prevalent at dispatch centers across Alaska and must be addressed.

During these disruptive events, other urgent emergency calls must be placed on hold or delayed to meet standards; industry standards are that all 911 calls must be answered within 15-20 seconds. A dispatcher could be required to place the parent of a choking child on hold to answer repeated calls from a harassing individual who is not in need of emergency services, delaying necessary life-saving measures. Under the language in the bill, that harasser could be charged. Currently, state statute does not address harassing behavior specific to 911 dispatch centers, nor does it give law enforcement adequate recourse to stop the behavior.

This problem is not unique to Alaska. Other states have developed legislation that makes interfering with emergency communications an arrestable offense - which is the most effective way to stop the interference - thus allowing 911 telecommunicators to focus on legitimate emergencies

[1:35:50 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, Juneau, Alaska, paraphrased the sectional analysis on behalf of the sponsor of SB 182.

[Original punctuation provided.]

Section 1: Adds a new section (.785. Interference with emergency communications) to AS 11.56. (Criminal Law, 56. Offenses Against Public Administration).

- a) Establishes that a person commits a crime of interference with emergency communication when they:
  - (1) Call 911 to elicit a first responder response for a previously reported incident when there has been no change in circumstances, and they have been instructed to stop calling
  - (2) Make repeated 911 calls when there is no emergency.
  - (3) Threaten or harasses a 911 operator during a call to 911.
  - (4) Disrupt communications between 911 operators and first responders, or between two first responders.

1:36:30 PM

(b) Defines: "emergency communication," "emergency communication center," and "emergency communication worker."

(c) Establishes that this crime is

- (1) A class C felony if:
  - (A) In the past ten years a person has been convicted under this statute or a similar one in another area or
  - (B) the interference results in death or serious physical harm.
- (2) Otherwise, it is a class A misdemeanor.

Section 2: Adds a section to uncodified law that specifies that this act is not applicable to offenses committed prior to this legislation.

1:37:13 PM

SENATOR SHOWER referred to page 2, lines 1-5, subsection 1(a)(4), which seemed to go beyond the 911 operator to two first responders at the scene. He stated that first responders are typically not on the 911 call. He wondered if this would pertain to people yelling at the first responders on the scene.

MS. MARTIN deferred to the invited testifiers who requested this language.

SENATOR SHOWER expressed concern about unintended consequences. He related that people could get upset when their family or friends require emergency assistance.

MS. MARTIN referred to page 2, lines 3-4, which read, "with the intent to cause a disruption in service;." She said this means the prosecutor would need proof the person intended to cause a disruption in service.

SENATOR SHOWER said he would raise the issue with Legislative Legal.

1:39:09 PM

SENATOR MYERS, regarding the intent, related that the emergency calls and first responders spend considerable time contending with the mentally ill. He asked how the bill would affect a mentally ill person repeatedly calling 911.

1:39:42 PM

SENATOR WILSON responded that this is a huge problem and concern throughout the nation. Another bill is working its way through the body to help address that concern, but criminalizing the disruptive conduct is the only method to stop the behavior unless the police can transport those needing mental health assistance to a crisis center. He stated that this bill should help people obtain services via mental health courts. Currently, police must respond to calls, verify the person is not experiencing an emergency, and return when they call again. The police cannot provide social services agencies with information obtained via the emergency call. While he does not want to criminalize the mentally ill or put them in jails, it is important to ensure that the disruptive behavior stops. He related that the intent of the bill was not to dismiss mental health concerns but to provide people with critical access to care without disrupting those facing true emergencies.

1:41:29 PM

SENATOR HUGHES stated this bill would create a crime. She asked how difficult it would be for a prosecutor to work a case when the language contains phrases, such as "knowingly ... with the intent to cause an emergency police, fire, or medical serve response" or intimidate, "with the intent to cause a disruption in service" She wondered if the Department of Law could indicate if the language is acceptable or needs to be more specific.

1:42:50 PM

CHAIR HOLLAND asked whether this language was modeled after another state's law.

1:43:16 PM

SENATOR WILSON responded that he worked with the dispatch community and the language was based on legislation passed by other states found to be effective. He related that the invited testimony by Mr. Butcher could speak more to the language.

1:43:47 PM

SENATOR HUGHES referred to page 1, line 7, which read, "(1) makes repeated emergency communications to report a previously reported incident with no change in circumstance ..." She stated that the language that is unambiguous if the person made more than one call, the person violates the proposed statute. However, paragraphs (2), (3), and (4) were more subjective. She emphasized the need to support dispatchers but expressed concern about the subjectivity of the language. She related that using the language "intent" or "knowingly" muddies the issue. She asked to have the Department of Law respond at the next hearing.

1:44:54 PM

SENATOR KIEHL noted the bill lists four ways to commit the crime of interference with emergency communications, and three of the four instances were similar. He stated that paragraphs (1) and (2) related to tying up the dispatcher's lines and paragraph (4) related to blocking or disrupting communications. However, he was unsure how paragraph (3) fits in since it relates to being mean, nasty, rude, and inappropriate, which is not okay but does not seem to interfere with dispatchers providing emergency communications.

SENATOR WILSON responded that using obscene language during an emergency communication with the intent to intimidate or harass an emergency communications dispatcher could delay or make someone fearful of providing accurate assistance. He stated that some testifiers who handle dispatch calls could explain how this behavior interferes with their duties. He related that having people make threats while the dispatcher tries to provide life-altering information to the first responder is not helpful, can be very dangerous, and no one should be afraid to do their job.

SENATOR KIEHL said he agrees but putting someone in fear is a separate crime. He said he would listen to the expert witnesses.

1:47:07 PM

SENATOR SHOWER acknowledged that dispatchers must answer every call. He wondered if dispatchers could refuse to answer a call from someone who called ten times and not get into trouble.



SENATOR WILSON answered that by statute, dispatchers must answer every call. Even though a person called 86 times on Thanksgiving Day, the dispatchers must do their jobs professionally and consistently.

SENATOR SHOWER suggested that something should be done to protect or hold the dispatchers harmless.

1:49:10 PM

SENATOR HUGHES referred to page 2, line 7, "(1) "emergency communication" means a communication made to an emergency communications center." She wondered if it should also read "from" a communications center. She related a scenario where a person was harassing or intimidating a dispatcher by making repeated calls to a communications center. She noted that person also disrupts the communications center personnel from dispatching an ambulance, fire, or police to the scene. She agreed with the sponsor that harassing and intimidating conduct disrupts and interferes with emergency communications since the purpose of emergency communications is to take care of life safety issues.

SENATOR WILSON responded that he did not have any comment.

1:50:57 PM

SENATOR MYERS stated that Senator Hughes brought up a potential loophole. He related a scenario where someone calls 911, hangs up, the dispatcher calls them back, and the person uses obscene language. He said that this bad behavior might not be covered since it was not a call to the center.

1:51:45 PM

SENATOR WILSON thanked the committee.

1:52:26 PM

COMMISSIONER DESIGNEE JAMES COCKRELL, Department of Public Safety, Anchorage, Alaska, provided invited testimony supporting SB 182. He stated that he has observed callers disrupt dispatchers, preventing them from responding to critical emergencies. This harassing behavior increases the stress for dispatchers. This bill could help assure that people experiencing crises will have access to aid, but it could also protect dispatchers from nuisance calls.

1:54:30 PM

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch, Wasilla, Alaska, provided invited testimony supporting SB 182.

He stated that the dispatch area serves 52,000 square miles and 150,000 people. He said he had worked as a 911 emergency telecommunicator for 16 years. During that time, he provided emergency lifesaving support and walked people through emergencies, including providing bleeding control or cardiopulmonary resuscitation (CPR) instructions and deescalating armed suicidal callers. Not every call to the call center is a life and death matter, but dispatchers must answer every call because it isn't possible to know what is happening at the other end of the line. Calls not constituting emergencies can be professionally handled by redirecting the caller to non-emergency resources. However, sometimes explanations and educating callers cannot surmount the disruption caused by intentionally false, disorderly, and harassing calls to the center.

1:56:06 PM

MR. JACOB BUTCHER related that on July 4, 2021, the 911 center was attacked by two different types of emergency communications' interference. One form was computerized call spoofing, where a caller deliberately falsifies the information transmitted to the caller ID display to disguise their identity. He reported that the call center received 45 spoofing calls within 24 hours. Still, each call needed to be answered, processed, vetted, and followed up. These calls tied up resources from Mat-Com Dispatch, the Department of Public Safety (DPS), the Anchorage Police Department, the Anchorage Fire Department, and several others. The second issue was a person who was upset with how a prior incident had been handled. He aired his frustration by dialing 911 over 80 times in a single day. Before hanging up, he would unleash a barrage of profane, insulting, and highly vulgar expressions. The call center staff sifted through those calls while continuing to provide assistance and responses to emergencies, including a reported drowning that led to water rescue efforts, two plane crashes, four separate wildfire reports from fireworks, and a full structure fire. Seconds count for most true emergencies. He asked if members could envision reaching a call center during an emergency and being placed on hold or interrupted by one of the 120 plus false emergency calls. That's the problem that SB 182 attempts to solve.

1:58:01 PM

MR. JACOB BUTCHER stated that SB 182 would provide a mechanism to allow law enforcement to react swiftly to resolve disruptions to call centers to free up the 911 lines.

1:58:28 PM

MR. JACOB BUTCHER recalled Senator Shower brought up a question regarding potential interference between two responders. He stated that SB 182 would help when people were out of control. He related that he tended to think about disruption between first responders as an attack on the infrastructure of the communication system, such as shooting at a radio tower or destruction of equipment and infrastructure that could disrupt communications between two first responders in the field. He wondered if that might fall under a malicious mischief statute. He did not recall the second question.

1:59:54 PM

SENATOR SHOWER wondered if the legislature could protect dispatchers from responding to numerous false calls to hold dispatchers harmless.

MR. JACOB BUTCHER responded that he was unsure. He stated that dispatchers must answer every 911 call since the 81st person could be facing a real emergency. For example, the mentally unstable person who made 80 calls, may have harmed themselves, someone else, or started a fire. He was unsure that it was appropriate to remove the responsibility from 911 since it defeats the purpose of 911, which is to answer and respond to emergencies.

MR. JACOB BUTCHER, in response to Senator Myer's earlier question, stated that he has participated in the Mat-Su Crisis Intervention Team (CIT) Coalition, which is a network of first responders, doctors, court system staff, and mental health professionals or educators to combat substance abuse. Although he supports mental health services, sometimes it is not an option when offices are closed. He stated that the bill could stop the nuisance calls for the weekend and provide the mentally ill person help when the offices reopened on Monday.

2:02:52 PM

SENATOR HUGHES related that if this bill passes, it will not stop the calls, but it may discourage them, since the troopers would respond to the false caller. She highlighted that nuisance calls tie up 911 lines which could cost those needing emergency assistance their lives. She asked whether the call center has a protocol to call in extra dispatchers to open up more lines.

MR. JACOB BUTCHER answered that would be covered under the call center's policy and procedures. He said he was called in on July 4 due to the call volume. He acknowledged that call centers are

often short-staffed and staff suffers from burnout, which is an issue currently being discussed.

2:04:57 PM

JOEL BUTCHER, President, Association of Public Safety Communications Officials (APCO)/National Emergency Numbers Association, Alaska, Palmer, Alaska, provided invited testimony in support of SB 182. He stated that he works for the City of Wasilla as a Technical Support Specialist for the Mat-Com Dispatch Center and Wasilla Police Department. He related that he was certified by the National Emergency Number Association as an Emergency Number Professional (ENP).

MR. JOEL BUTCHER stated that he also serves as the President of the Alaska Joint Chapter of ACPO and NENA, representing approximately 150 Emergency Service Dispatchers employed in telecommunication centers across the state. This proposed legislation is essential to APCO members and telecommunications centers in Alaska for several reasons.

2:05:51 PM

MR. JOEL BUTCHER stated that one reason for SB 182 was to address abusive language that APCO dispatchers receive regularly. He noted that this offensive language is used to intimidate and affect responses outside the control of the dispatchers.

MR. JOEL BUTCHER highlighted that repetitive calling by a single party is most harmful to call centers. This behavior uses resources, including 911 trunk lines, making these lines unavailable to other callers. Dispatchers at the call center cannot assist people facing true emergencies. Repetitive callers usually are under emotional or mental distress, and the only remedy to stop the behavior is for law enforcement to arrest them.

MR. JOEL BUTCHER stated that this legislation specifically criminalizes malicious mischief to communications infrastructure. Although this crime often is called vandalism, the perpetrator often intentionally destroys property to deny the owner use of that property. For example, the perpetrator may destroy transmitter antennas, generators, and other infrastructure, frequently located in remote areas.

2:07:56 PM

MR. JOEL BUTCHER stated that this legislation would help by defining false reporting to the communications center. Making

false reports, such as pretending to be lost, is often done as pranks, for revenge, or to move police or other emergency responders away from geographic areas so criminal activity can occur. He recapped that false reports endanger the public by diverting emergency responders and contributing to criminal activity in Alaska.

MR. JOEL BUTCHER urged members to support SB 182.

[2:09:17 PM](#)

CHAIR HOLLAND opened public testimony on SB 182.

[2:10:08 PM](#)

HILLARY PALMER, Secretary/Treasurer, Association of Public Safety Communications Officials (APCO)/National Emergency Numbers Association, Alaska, Wasilla, Alaska, spoke in support of SB 182. She stated that she had used emergency medical services to assist her with emergencies for her chronically ill spouse. She said someone experiencing an acute mental health or substance abuse issue would repeatedly make prank calls to 911 dispatchers, sometimes 50 to 100 calls within 24 hours. Most 911 call centers must answer calls within three seconds, even if the caller ID identifies it as someone who frequently calls. She related a scenario to illustrate how false emergency calls could adversely affect true emergency calls. She stated that sometimes seconds count, so it is essential to find a way to keep the mentally ill or distraught person safe but away from the phone. She spoke in support of SB 182.

[2:13:22 PM](#)

ANTONIA HAGEN, representing self, Wasilla, Alaska, (via teleconference), said she had called 911 during a domestic violence situation, and her husband grabbed the phone from her. She related that it was a scary situation. She asked members to imagine what it would be like to be a mother with a small child, calling 911, having the phone snatched, and being wrongfully arrested while her child went with the violent father. She said she hoped that Alaskans would get protection from that type of behavior.

[2:15:17 PM](#)

CHAIR HOLLAND closed public testimony on SB 182.

[2:15:34 PM](#)

SENATOR WILSON responded to Ms. Hagen that it is already a crime to interfere with domestic violence or 911 calls. He thanked the committee for hearing SB 182. He stated that SB 182 would

provide tools for law enforcement officers to intervene, stopping nuisance calls from continuing and allowing the communications operators to perform their duties. He acknowledged that people making nuisance calls probably wouldn't read the statutes, but it will help call center staff.

[2:16:48 PM](#)

CHAIR HOLLAND held SB 182 in committee.

**SB 7-STATE TROOPER POLICIES: PUBLIC ACCESS**

[2:16:52 PM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 7 "An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

[SB 7 was previously heard on May 10, 2021.]

CHAIR HOLLAND asked the sponsor to provide a summary of the bill.

[2:17:13 PM](#)

SENATOR ELVI GRAY-JACKSON, Alaska State Legislature, Juneau, Alaska, paraphrased the sponsor statement.

[Original punctuation provided.]

This bill would require that the Department of Public Safety publish on their website the department's current policies and procedures related to the conduct of peace officers employed or regulated by the department. The duty of the Department of Public Safety is to ensure public safety within our communities and, as such, the public must be able to easily access the current policies and procedures that requires peace officers regulated by the department to adhere to.

SENATOR GRAY-JACKSON said the department is in the process of doing so, but the bill would ensure that it will happen.

[2:18:37 PM](#)

CHAIR HOLLAND opened public testimony; finding none, he closed public testimony on SB 7.

[2:19:27 PM](#)

CHAIR HOLLAND related his understanding that the Department of Public Safety (DPS) does not approve policies and procedures for municipal police officers and only indirectly regulates non-employees.

[2:20:12 PM](#)

SENATOR GRAY-JACKSON offered her view that he was speaking to non-employees of the Department of Public Safety.

[2:20:46 PM](#)

CHAIR HOLLAND restated his question.

[2:21:02 PM](#)

COMMISSIONER DESIGNEE COCKRELL answered that DPS does not oversee other police departments in the state. He said that the department partners with the Village Public Safety Officer (VPSO) Program.

CHAIR HOLLAND asked for clarification that the language "or regulated" would only apply to Alaska State Troopers or VPSOs.

COMMISSIONER DESIGNEE COCKRELL suggested deleting "or regulated."

[2:22:10 PM](#)

SENATOR HUGHES related her understanding that it would only apply to troopers, but if the committee also wanted it to apply to VPSOs, it would be necessary to retain the language "or regulated" in the bill.

[2:22:31 PM](#)

COMMISSIONER DESIGNEE COCKRELL stated that DPS publishes all of its policies online. DPS manages the Village Public Safety Officer (VPSO) program. This program has a standard operating procedure (SOP) signed by all grantees. He offered his belief that those are not published, so essentially, VPSOs follow the department's operational procedures manual (OPM). He suggested that if the committee would like the VPSO's SOP published, it should be put in the bill. He expressed concern that the department manages ten grantees that could operate differently. He reiterated that the department supports publishing its OPM and believes it should not keep secrets from Alaska's citizens. He was unsure what the sponsor meant by "or regulated." He expressed a willingness to publish the policies and procedures.

[2:24:17 PM](#)

KELLY HOWELL, Special Assistant to the Commissioner, Department of Public Safety (DPS), Anchorage, Alaska, provided invited testimony on SB 7. She explained that the department regulates VPSOs. She stated her understanding that the commissioner had suggested that to add clarity, it should clearly state VPSO or else the committee could eliminate the language "or regulated" if the intent is not to publish VPSO policies and procedures online.

[2:25:11 PM](#)

CHAIR HOLLAND said he would not offer amendment, work order 32-LS0058.A.1, at this time.

[2:25:35 PM](#)

CHAIR HOLLAND moved to adopt Amendment 1, work order 32-LS0058\A.2.

32-LS0058\A.2  
Radford  
2/16/22

#### **AMENDMENT 1**

OFFERED IN THE SENATE  
TO: SB 7

BY SENATOR HOLLAND

Page 1, line 4:  
Delete "a new subsection"  
Insert "new subsections"

Page 1, following line 7:  
Insert a new subsection to read:

"(i) The Department of Public Safety is not required to publish policies and procedures under (h) of this section if publishing the policies and procedures

(1) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;

(2) would disclose guidelines for law enforcement investigations or prosecutions and the disclosure could reasonably be expected to risk circumvention of the law; or



(3) could reasonably be expected to endanger the life or physical safety of an individual."

SENATOR SHOWER objected for discussion purposes.

[2:25:49 PM](#)

CHAIR HOLLAND explained that Amendment 1 would create a new subsection that clarifies that DPS will not publish any policies and procedures that disclose confidential techniques or procedures, guidelines for law enforcement investigations, or prosecutions that could reasonably be expected to risk circumvention of the law, or that would endanger anyone's life or physical safety.

[2:26:10 PM](#)

SENATOR SHOWER asked to have the department comment.

[2:26:20 PM](#)

COMMISSIONER DESIGNEE COCKRELL said the department reviewed Amendment 1 and found it acceptable.

[2:26:27 PM](#)

MS. HOWELL stated DPS agreed that adding the exceptions under AS 40.25.120, the Public Records Act (PRA), regarding sensitive law enforcement information was currently prohibited from release under the PRA but should be added to the bill. It would clarify that the department should not be permitted to post confidential or sensitive information about law enforcement policies and procedures.

[2:27:11 PM](#)

SENATOR SHOWER commented that transparency is important, but sometimes law enforcement must suppress information to protect its members.

SENATOR SHOWER removed his objection.

[2:27:50 PM](#)

CHAIR HOLLAND objected for discussion purposes.

SENATOR MYERS asked for sponsor comments.

[2:28:16 PM](#)

SENATOR GRAY-JACKSON responded that she had no issue adding VPSOs to the bill since that had been her intention.

[2:28:54 PM](#)

CHAIR HOLLAND removed his objection; found no further objection, and Amendment 1 was adopted.

[2:22:09 PM](#)

At ease

[2:29:25 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:29:28 PM](#)

CHAIR HOLLAND asked if members had any amendments.

[2:29:39 PM](#)

At ease

[2:30:01 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:30:11 PM](#)

SENATOR HUGHES moved to adopt Conceptual Amendment 1.

CHAIR HOLLAND objected for discussion purposes.

[2:30:28 PM](#)

At ease

[2:30:49 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:30:59 PM](#)

SENATOR HUGHES stated Conceptual Amendment 1, on page 1, line 7, would delete "or regulated" and insert "Village Public Safety Officer Program."

CHAIR HOLLAND restated his objection for discussion purposes.

[2:31:36 PM](#)

CHAIR HOLLAND withdrew his objection.

[2:31:47 PM](#)

At ease

[2:32:14 PM](#)

CHAIR HOLLAND reconvened the meeting. Chair Holland heard no objection, and Conceptual Amendment 1 was adopted.

CHAIR HOLLAND stated that the committee gives Legislative Legal Services authority to make conforming and technical changes.

[2:32:46 PM](#)

CHAIR HOLLAND asked if the sponsor had any closing comments.

[2:32:50 PM](#)

SENATOR GRAY-JACKSON thanked the committee for hearing SB 7.

[2:33:07 PM](#)

CHAIR HOLLAND solicited the will of the committee.

[2:33:10 PM](#)

SENATOR SHOWER moved to report SB 7, work order 32-LS0058\A, as amended, from the Senate Judiciary Standing Committee with individual recommendations and attached fiscal note(s).

CHAIR HOLLAND found no objection, and CSSB 7(JUD) was reported from the Senate Judiciary Standing Committee.

[2:33:30 PM](#)

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CHAIR HOLLAND reconvened the meeting.

### **SB 31-PROHIBITING BINDING CAUCUSES**

[2:35:22 PM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 31 "An Act relating to binding votes by or for a legislator under the Legislative Ethics Act."

[CS FOR SENATE BILL NO. 31(STA) was before the committee. SB 31 was previously heard on May 10, 2021, February 2, 2022, and February 11, 2022. Public testimony was opened and closed on February 2, 2022.]

CHAIR HOLLAND asked the sponsor to provide a brief synopsis.

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SENATOR SHOWER explained that SB 31 would prohibit binding caucuses. Under the bill, a legislator cannot bind another legislator or threaten them with punitive action for not voting in a certain way.

SENATOR SHOWER read AS 11.41.530(a)

A person commits the crime of coercion if the person compels another to engage in conduct from which there is a legal right to abstain or abstain from conduct in which there is a legal right to engage, by means of instilling in the person who is compelled a fear that, if the demand is not complied with, the person who makes the demand or another may ...

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

SENATOR SHOWER stated that this language is crystal clear. He related his own experiences with binding caucuses. He recalled Senator Kiehl's earlier question and clarified that there was no intent for SB 31 to apply to legislators holding discussions on their bills.

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CHAIR HOLLAND explained that the sponsor's stated intent is to prevent a situation in which a legislator is obligated to vote for or against a motion under threat of losing staff, funding, chairmanships, committee assignments, or support for personal legislation. He asked whether the bill would meet that intent.

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NOAH KLEIN, Attorney, Legislative Legal Counsel, Legislative Legal Services, Legislative Affairs Agency, Juneau, Alaska, answered that the bill as drafted could meet that intent. The bill would prohibit certain conduct and place it in the Legislative Ethics Act. If someone complained about that kind of conduct, and the Select Committee on Legislative Ethics found a legislator was binding another legislator through threats, the committee could find an ethics violation.

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CHAIR HOLLAND related that Senator Hughes wondered who would determine whether someone was guilty of an ethics violation under a binding caucus. She asked if it would be the majority leadership, an individual negotiating on behalf of the majority, members of the majority caucus in general, or individual legislator or "bindee."

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MR. KLEIN responded that it would depend on how the complaint is received and what the Select Committee on Legislative Ethics

would consider. He related his understanding that generally, the committee would review a single legislator's conduct. The committee could find majority leadership, the leadership of any caucus, a member joining a caucus, or the "bindee" in violation of the Ethics Act. It would further depend on whether they were committing or being bound to commit under the Ethics Act.

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SENATOR SHOWER replied that the response made sense. Initially, he was told that nothing prevented binding caucuses. Thus, the goal of SB 31 was to put something in statute, so an individual could be held responsible and the Select Committee on Legislative Ethics could take action.

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CHAIR HOLLAND suggested replacing the language on page 1, line 9, "a bill, appointment, veto, or other measure" with "a procedural vote or budget bill."

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SENATOR MYERS asked for a synopsis of the consequences of an ethics violation.

MR. KLEIN responded that AS 24.60.178(b) provides a list of potential sanctions. He offered to read the list or provide a general synopsis.

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CHAIR HOLLAND suggested he provide a general synopsis.

MR. KLEIN stated that AS 24.60.178 (b)(1) would impose a civil penalty of not more than \$5,000 for each offense, and AS 24.60.178(b)(1) would provide for any other appropriate measure. He opined that the most severe penalty would be expulsion from the legislature. He explained the process, that a committee would recommend the sanction, such as the Senate Judiciary Committee, and the recommendation would go to the Senate president. He said any sanction would require a majority vote of the house or senate except for expulsion, which requires a two-thirds vote.

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CHAIR HOLLAND recalled Senator Kiehl's question was whether the bill could be interpreted to mean that minority members must have the same resources as majority members. He asked Senator Kiehl to restate his question.

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SENATOR KIEHL related his understanding from the sponsor's stated intent and Mr. Klein's answers that it would violate the ethics law if someone said if you don't join a caucus, the member will get the standard allocation of two staff and 36 range points. In contrast, the majority offices receive three staff and 57 range points.

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SENATOR SHOWER remarked that he had discussed with Senator Kiehl that the current staff level determinations were not necessarily right. He stated that the intent specifically was to require a legislator to vote a certain way or withhold something from them for not voting with the caucus. He recalled that the coercion statute under AS 11.41.530(a)(4) makes it is a crime for a citizen to legally cause a public servant to take or withhold action. He related that binding caucuses require their members to vote on the budget or procedural votes and nothing can be done about it. He opined that no one should be able to require someone to vote a certain way.

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SENATOR HUGHES recalled that when Mr. Klein outlined the process for ethics violations, he said it required the legislature to vote on any sanction. She asked if the Select Committee on Legislative Ethics could impose the sanctions, or if it requires a majority vote by the legislature. She asked for examples of other sanctions the ethics committee could impose. She further recalled that the Select Committee on Legislative Ethics might impose a sanction requiring the legislator write a letter of apology, or it might decide to remove the legislator from serving on a committee.

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MR. KLEIN paraphrased the list of ethics sanctions under AS 25.60.178.

(1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;

(2) divestiture of specified assets or withdrawal from specified associations;

(3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;

(4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;

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(5) restitution of property or reimbursement of improperly received benefits;

(6) public or private written reprimand;

(7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;

(8) placing the person on probationary status;

(9) in the case of a legislator, expulsion from the house of the legislature;

(10) any other appropriate measure.

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MR. KLEIN added that sanctions must be voted on by the majority of the house or the senate.

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SENATOR SHOWER related several scenarios that illustrated a legislator was being punished for their speech or vote. He asked if those examples would constitute coercive elements.

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MR. KLEIN answered that if SB 31 were to pass, the Select Committee on Legislative Ethics would decide how it would apply. He stated that he was unsure he had any opinion on whether any specifically described conduct would be considered binding another legislator and constitute a violation of the Ethics Act. Regarding whether threats of punishment were coercive, he thought that using the commonly understood meaning of coercive could include threatening action against someone since it could make a person feel a certain way. However, it would depend on the specific facts of the complaint and the ethics investigation.

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SENATOR MYERS said he was grappling with drawing a fine line between organizing and coercing. He related a scenario to illustrate his point. He said donating to a legislative candidate because the constituent likes the legislator's stance on an issue is legal and ethical. However, giving a candidate a donation to vote a certain way would likely be considered bribery. He suggested if a caucus agreed with a legislator and offered the person an opportunity to chair a committee and join the majority, or a caucus determined the legislator did not share the caucus goals and denied them membership, or leadership taking punitive action and pulling the chairmanship seemed to create a fine line. He was unsure how the committee could address it. He wondered if it would be left to the ethics committee to decide. He said he agreed with the intent of the bill.

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SENATOR HUGHES asked to revisit an issue. She recalled Mr. Klein said sanctions must go to the floor for a vote. However, she offered her view that the Select Committee on Legislative Ethics could impose requirements or ask a member to write an apology.

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MR. KLEIN offered to further research this and report to the committee on whether the house and senate must vote on sanctions or if the Select Committee on Legislative Ethics can impose some sanctions.

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CHAIR HOLLAND held SB 31 in committee.

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There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 2:55 p.m.